



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

May 12, 2016

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Deborah Primock
Elaine Sweet
Sherry Reed
Catherine Robbins

Telephonically Present:

Honorable Jay Polk
Leonard Montanaro

Absent:

Gary Krcmarik
Emily Kile
Mark Rubin

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Debbie MacDougall
Wil Castro
Pasquale Fontana
Hal White
Arnita Oliver

Guests:

Susan Siwek
Janie Stover
Bonnie Stallings
Vinay Singh
Rocio Farrell

CALL TO ORDER

Called to Order By:

Deborah Primock, Chair

Time:

10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion and possible action regarding the regular session minutes of the meeting held on March 10, 2016.*

Individual Addressing the Board: Deborah Primock

Discussion: None

Motion: Consideration of and motion to approve the regular session minutes of the meeting of March 10, 2016.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding the Division Director dismissal of complaint number 13-0008.*

Individual Addressing the Board: Anne Hunter

Discussion: Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints dismissed by the Division Director are CONFIDENTIAL and not a matter of public record.

On May 9, 2016, Division Director Wilson dismissed complaint number 13-0008 without prejudice upon determining that the allegations were unsubstantiated. This complaint was initiated by the Director and not an outside party, therefore, it was not necessary to forward it to the complainant.

It is recommended the Board affirm the dismissal.

Motion: Consideration of and motion to accept staff's recommendation affirming the dismissal.

Motion Proposals: First Catherine Robbins
Second Sherry Reed

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint number 15-0009, involving Apache County Public Fiduciaries.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Patricia Hall and Apache County Public Fiduciary have not committed the alleged act(s) of misconduct as detailed in Allegations 2, 3 and 4 of the Investigation Summary and Allegation Analysis Report in complaint number 15-0009.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Patricia Hall and Apache County Public Fiduciary have committed the alleged act(s) of misconduct as detailed in Allegations 1 and 5 of the Investigation Summary and Allegation Analysis Report in complaint number 15-0009.

It is further recommended the Board issue a Censure to Patricia Hall and Apache County Public Fiduciary.

Bonnie Stallings is present and addresses the Board.

Motion: Consideration of and motion to accept staff's recommendation to issue a Censure to Patricia Hall and Apache County Public Fiduciary.

Motion Proposals: First Elaine Sweet
Second Leonard Montanaro
Recused Sherry Reed

Motion Results: Pass

2-C: Review, discussion and possible action regarding complaint numbers 15-0024 and 15-0025, involving Mario Gonzales and Sierra Huachuca ARC, Inc.

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Mario Gonzales and Sierra Huachuca Arc, Inc. have committed the alleged act(s) of misconduct

as detailed in Allegations 1, 2, 3, 4, 5, 6, and 7 of the Investigation Summary and Allegation Analysis Report in complaint number 15-0024 and 15-0025.

It is further recommended the Board find that the public health, safety or welfare is at risk, requires emergency action, and order the immediate emergency suspension of Mario Gonzales' and Sierra Huachuca Arc, Inc.'s licenses and set an expedited hearing.

It is further recommended that the Board revoke Mario Gonzales' and Sierra Huachuca Arc, Inc.'s licenses.

Motion: Consideration of and motion to accept staff's recommendation. The Board orders that the suspension be effective immediately.

Motion Proposals: First Catherine Robbins
Second Leonard Montanaro

Motion Results: Pass

Discussion: The Division recommends that the Board consider that any pending complaints against Mr. Gonzales be held in abeyance.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Sherry Reed

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

3-A *Review, discussion and possible action regarding the following applications for initial licensure:*

1. *Darren Joe*
2. *Crystal Rose Cillitto*
3. *Lauren Talkington*
4. *Rocio Farrell*
5. *Susan Siwek*

Individual Addressing the Board: Hal White

Discussion: It is recommended that the Board grant initial licensure to Darren Joe with an effective start date of June 1, 2016.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Sherry Reed

Motion Results: Pass

Individual Addressing the Board: Hal White

Discussion: It is recommended that the Board grant initial licensure to the following applicants with an effective start date of June 1, 2016:

2. Crystal Rose Cilitto
3. Lauren Talkington
5. Susan Siwek

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Judge Polk

Motion Results: Pass

Individual Addressing the Board: Hal White

Discussion: It is recommended that the Board grant initial licensure to the following applicant with an effective start date of June 1, 2016:

4. Rocio Farrell

Motion: Consideration and motion to accept staff's recommendation.

Motion Proposals: First Sherry Reed
Second Elaine Sweet
Recused Catherine Robbins

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY:

4-A: *Review, discussion, and possible action regarding the voluntary surrender of licensure received from the following licensed fiduciaries:*

1. Linda Bohnet
2. Vicki Shepherd
3. Lupe Bray

Individual Addressing the Board: Wil Castro

Discussion: It is recommended the Board accept the request of the following applicant to voluntarily surrender her license:

1. Linda Bohnet

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Sherry Reed
Recused Catherine Robbins

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: It is recommended the Board accept the request of the following applicant to voluntarily surrender her license:

2. Vicki Shepherd

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Sherry Reed
Second Catherine Robbins

Motion Results: Pass

Individual Addressing the Board: Wil Castro

Discussion: It is recommended the Board accept the request of the following applicant to voluntarily surrender her license:

3. Lupe Bray

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet
Recused Sherry Reed

Motion Results: Pass

4-B: Review, discussion, and possible action regarding request for placement of inactive status received from licensed fiduciary, Kathryn Munro.

Individual Addressing the Board: Wil Castro

Discussion: It is recommended the Board accept the request of Ms. Munro to be placed on inactive status with an effective date of June 1, 2016.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Sweet
Second Sherry Reed

Motion Results: Pass

4-C: Review, discussion, and possible action regarding Findings of Fact, Conclusions of Law, and Recommendation involving the denial of licensure for Janie Stover.

Individual Addressing the Board: Hal White

Discussion: It is recommended the Board adopt Judge O'Neil's Findings of Fact, Conclusions of Law, and Recommendation and affirm the denial of licensure to applicant Janie Stover.

Janie Stover and her attorney, Susan Siwek are present and address the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Catherine Robbins
Second Elaine Sweet

Motion Results: Pass

4-D: Review, discussion, and possible action regarding the request of Yvonne Stallings to retake the Fiduciary Licensing Examination.

Individual Addressing the Board: Anne Hunter

Discussion: Ms. Stallings is requesting the Board's permission to sit for the examination for a sixth time.

Yvonne Stallings is present and addresses the Board.

Motion: The Board moves to allow Ms. Stallings to retake the fiduciary licensing examination.

Motion Proposals: First Leonard Montanaro
Second Elaine Sweet
Recused Sherry Reed

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: Update regarding Arizona Department of Veterans' Services/Probate Cases.

Individual Addressing the Board: Mark Wilson

Discussion: Brief update is given regarding the Arizona Department of Veterans' Services discontinuance of all fiduciary services.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Sweet
Second Catherine Robbins

Motion Results: Pass

Time: 12:09 p.m.

Initials: AO